

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of Wolzenski, Bernard H., et al.

Serial No. 09/717,189
Confirmation No. 9504

Examiner Graham, C.
Group 3628

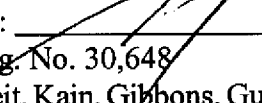
Filed: November 21, 2000

For: Process for Comprehensive Financial and Estate Planning

APPLICANT'S PRE-APPEAL CONFERENCE BRIEF

This Pre-Appeal Conference Brief is submitted in response to the Notice of Appeal dated October 1, 2007.

Date: 10-4-2007

By: 
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(i) **Real Party in Interest**

The real party in interest is Future System Advisors LLC ("FSA") having an office at 2171 Quail Run Drive, Suite A, Baton Rouge, LA 70808. Applicant assigned all his rights to FSA in an assignment filed on March 13, 2007 at reel/frame 019003/0261. 34 C.F.R. § 41.37(c)(1)(i).

(ii) **Related Appeals and Interferences**

None. 34 C.F.R. § 41.37(c)(1)(ii).

(iii) **Status of Claims**

The application concurrently has claims 44-201. See Amendment filed December 28, 2006. The Examiner, in the Office Action dated April 10, 2007, **rejects claims 1 - 43** and indicates that the Office Action responds to Applicant's response of November 21, 2006. Enclosed with the November 21 response was (1) an Amendment **which cancelled** claims 1 - 43 and added new claims 44 - 108; (2) a Substitute Specification and (3) a Request for a Two Month Extension of Time. Therefore, the Office Action improperly refers to claims 1 - 43 which were cancelled by the November 21 response.

Subsequently, Applicant filed a Supplemental Amendment with new claims 109 - 201 on December 28, 2006 and a Request for Publication on February 28, 2007.

Since claims 1 - 43 discussed in the Office Action dated April 10, 2007 were cancelled in the November 21 response, the rejections and the grounds for the Office Action are not applicable. 34 C.F.R. § 41.37(c)(1)(iii).

The final rejection of the application is appealed herein. The examiner never considered nor ruled on claims 44-201.

(iv) **Status of Amendments**

Applicant - FSA's request for clarification, filed April 17, 2007 after the Office Action dated April 10, 2007, was not considered by the Examiner. 34 C.F.R. § 41.37(c)(1)(iv).

(v) **Summary of Claimed Subject Matter 34 C.F.R. § 41.37(c)(1)(v).**

44. (previously submitted) A computerized method of establishing and maintaining a financial product as a life insurance product for an insured party comprising:

processing an initial funding premium for said life insurance financial product;

subtracting funding charges from said initial funding premium and determining an initial cash surrender value for said life insurance financial product thereafter;

allocating said initial funding premium to one or more sub-accounts of different financial investment funds or accounts;

on a daily basis, determining account values for said different funds and accounts and calculating a corresponding cash surrender value for said life insurance financial product;

determining a life insurance base death benefit amount for said insured as a function of said corresponding cash surrender value sufficient to retain life insurance status under a net single premium method based on age declining ratio to cash value amount for said life insurance financial product and age of the insured and his/her risk classification and smoking status, said life insurance base death benefit amount increasing and decreasing based upon said corresponding cash surrender value; and,

deducting daily a cost of an at-risk insurance amount corresponding to said death benefit amount from said corresponding cash surrender value sufficient to retain life insurance status for said life insurance financial product.

(vi) **Grounds of Rejection to Be Reviewed on Appeal 34 C.F.R. § 41.37(c)(1)(vi).**

The Examiner, in the Office Action dated April 10, 2007, improperly rejected a set of claims that are no longer in the case and never approved nor rejected claims 44 - 201 currently in the case.

Respectfully submitted,

Date: 10-4-2007

By: 

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Certificate of E-Filing

I hereby certify that this correspondence is being e-filed with the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 4, 2007.



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